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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,212	10/24/2003	Jeffrey Stephen Tomaka	330537-00003	2272

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/693,212		TOMAKA, JEFFREY STEPHEN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cassandra Davis		3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:  
on page 7, line 5, the phrase "C-shaped flat surface 62" is not descriptive. It unclear how a C-shaped surface can be flat. The examiner will consider favorably the phraseology "C-shaped surface 62"

The reference numerals "72" has been used to designate both side wall (page 7, line 9 and "electroluminescent display" (page 7, line 15);

it appears as if the phrase "microswitch actuator 24" recited on page 7, line 23-24).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 5, 6, 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batton, U. S. Patent 4,164,822 in view of Modia et al., U. S. Patent 4,335,421.

3. With respect to claim 1, Batton teaches an illuminated film viewer comprising: a portable plastic housing 24 formed with a viewing window 22 for receiving films 20 to be viewed. Batton also teaches a film grip assembly 26 mounted on the portable housing 24 adjacent the viewing window 22 for holding the films 20. In addition, Batton teaches a lamp 32 disposed beneath the viewing window 22 for illuminating the viewing window. The device is electrically powered by cigarette lighter adapted plug 34 or batteries 54, wherein the housing 24 is configured as a clipboard forming a portable film viewer by clips or grip assembly 26. Batton further teaches an automatic control circuit for switching the lamps 32 whenever an electronic sensor 26 disposed adjacent to the film grip assembly, senses the conductive strip 30 of film 20 and turning off lamp 32 if removed.

4. Batton does not teach a handle attached to the housing.

5. Modia et al teaches a potable film viewer comprising a housing 70 formed with a viewing window 60 and channels 61A and 61B for receiving films. In addition In addition, Modia teaches a lamp 10 disposed beneath the viewing window 60 for illuminating the viewing window. The device is

electrically powered by alternating current supplied through cord 13. Modia also teaches a carrying handle 70 to render the device transportable.

6. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the portable device taught by Batton with a handle as taught by Modia to provide means for carrying the housing.

7. With respect to claim 2, Batton clearly teaches DC power source.

8. With respect to claim 3, Modia teaches AC power source.

With respect to claim 5, since the applicant does not disclose that the micro-switch or optical sensor solves any stated problem or is for any particular purpose, it appears that constructing the illuminated device the switch mechanism taught by Batton would perform equally well in activating and deactivating the lamps.

9. With respect to claim 6, the sensor taught by Batton is a photo-sensor that is an optical sensor.

10. With respect to claim 7, Batton teaches the housing is made of a plastic material. See column 2, lines 35-38.

11. With respect to claim 8, the film grip taught by Batton has a top plate 28 connected to the front of the housing.

Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batton in view of Modia as applied to claim 8 above and in further view of Pokrinchak.

Pokrinchak teaches a film viewer comprising a housing 11 formed with a window 13 for receiving films to be viewed and a film grip assembly 37 mounted on the housing adjacent the viewing window for holding films. Pokrinchak also teaches a spring bias clip for holding the film in place in front of the window. Pokrinchak also teaches a lamp 19 disposed beneath the viewing window for illuminating the viewing window and an electrical power cord connected to a power source for providing electrical power to the lamp, wherein the housing is configured as a clipboard.

Pokrinchak also teaches the top plate includes at least bosses and the spring bias clip includes a plurality of balls 41 and springs 42 received the bosses 38 configured such that the biased are biased toward the housing. It would have been obvious to one having ordinary skill in the art at the time this invention was made to grip assembly construct the film holder taught by Batton and Modia with gripping means comprising the balls and springs as taught by Pokrinchak to provide a means to grip the film evenly over the length of the film.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batton in view of Modia and Patino, U. S. Patent 2,396,121. Patino teaches a housing 5 for a radio and a handle 9 adapted disappear within the case when in use. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the portable device taught by Batton with a handle as taught by Modia to provide means for carrying the housing. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the housing of the device taught by Batton and Modia with a concealable handle to provide a means hide the handle with the device is in use.


### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
January 8, 2006